

No. 14/13/87-6Lab./891.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Ambala in respect of the dispute between the workman and the management of M/S Dy. Conservator of Forests, Kurukshetra versus Hari Chand.

IN THE COURT OF SHRI S. R. BANSAL (ADDITIONAL DISTRICT AND SESSIONS JUDGE),  
PRESIDING OFFICER, LABOUR COURT, AMBALA.

Reference No. 117 of 92

WORKMAN SHRI HARI CHAND THOUGH SHRI JASBIR SINGH, ADVOCATE, 301-A,  
RAILWAY COLONY, AMBALA CANTT AND THE MANAGEMENT DY.  
CONSERVATOR OF FORESTS, KURUKSHETRA FOREST  
DIVISION, KURUKSHETRA

and

(2) SUB DIVISION FOREST OFFICER, KURUKSHETRA FOREST DIVISION,  
KURUKSHETRA.

Present :

WR. Shri Jasbir Singh.

MR. Shri Jagmal Singh ADA.

#### AWARD

The Governor of Haryana made the following reference to this court for adjudication,—vide Haryana Government notification bearing No. 311541-159, dated 4th July, 1992 :—

Whether the termination of services of Shri Hari Chand is valid and justified? If not, to what relief he is entitled?

On appearance the workman served his statement notice may be treated as his claim statement. The management filed written statement to the claim statement. After taking replication from the workman the following issues were framed :—

- (1) Whether the termination of the services of Shri Hari Chand is valid and justified? If not so, to what relief is he entitled? Opp
- (2) Whether respondent Deputy does not fall under the definition of industry? If so, to what effect? OPM
- (3) Whether workman's claim is not maintainable for the reasons stated in written statement? OPM
- (4) Relief.

To day when the case was fixed for workman's evidence. The following statements have been made :—

ब्यान श्री जसबीर सिंह, श्रमिक प्रतिनिधि

ब्यान किया है कि मुझे इस जेस की रेकॉर्ड करने के लिए कोई अवसर ना है और ना ही प्रार्थना कर सकता हूँ।

ब्यान श्री जगमल सिंह बंगवाल, ए०डी०ए० प्रतिनिधि प्रबन्धक

मैं भी शहादत समाप्त करता हूँ।

In view of the fact that there is no evidence on the Hari Chand versus Division Forest Officer, Kurukshetra file this reference is bound to be answered against the workmen. I order accordingly.

S. R. BANSAL,

The 27th October, 1994

Additional District and Sessions Judge,  
Presiding Officer, Labour Court,  
Ambala.

Endorsement No. 1735 dated the 31st October, 1994.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

S. R. BANSAL,

Additional District and Sessions Judge,  
Presiding Officer, Labour Court,  
Ambala.

No. 14/13/87-6Lab./885.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Ambala in respect of the dispute between the workman and the management of M/s M. D. The Ambala Central Co-operative Bank Ltd., Ambala City *versus* Bundi Ram.

IN THE COURT OF SHRI S. R. BANSAL (ADDITIONAL DISTRICT AND SESSIONS JUDGE), PRESIDING OFFICER, LABOUR COURT, AMBALA

Reference No. 197 of 1988

WORKMAN SHRI BUNDI RAM, THROUGH SHRI MADHU SUDAN SARAN, KAUSHISH LATH MARAN STREET, JAGADHRI

AND

THE MANAGEMENT MANAGING DIRECTOR, THE AMBALA CENTRAL CO-OPERATIVE BANK LTD., AMBALA CITY.

*Present :*

Workman Representative Shri Madhu Sudan Saran.  
Management Representative Shri Subhash Tyagi.

#### AWARD

In exercise of the powers conferred by clause (c) of sub-section 1 of section 10 of the Industrial Disputes Act, 1947 (for short called as the 'Act'), the Governor of Haryana referred the following dispute between the workman Shri Bundi Ram and the management Managing Director, The Ambala Central Co-operative Bank Ltd., Ambala City to this Court for adjudication,—*vide* Haryana Govt., Notification bearing No. 15764—68, dated 20th April, 1988 :—

Whether the termination of the services of Shri Bundi Ram is valid and justified? If not so, to what relief is he entitled?

The workman served a demand notice dated 4th February 1988 under section 2-A of the Act. The Conciliation proceedings were taken up by Labour Officer-cum-Conciliation Officer. The same having failed, the appropriate Government made the above mentioned reference to this Court.

On receipt of the reference notices were issued to the workman as well as to the management. The workman appeared and submitted claim statement dated 1st August, 1988 in which he pleaded that he was working as secretary on permanent basis with management for the last so many years and his services were illegally terminated on 19th August, 1987 without affording proper opportunity of hearing. He is, therefore, entitled to reinstatement with continuity of service and back wages.

The management in the return filed pleaded that the workman committed serious irregularities in the society and after holding a preliminary enquiry it was found that he has embezzled certain amounts and thereafter a regular enquiry was held in which the workman participated. On the basis of the enquiry proceeding show cause notice was issued to the workman. After affording personal hearing to the workman the service of the workman were terminated. The workman preferred a appeal against his termination order dated 19th August, 1987 which was dismissed by Deputy Registrar (Industrial) Co-operative Societies,—*vide* his order dated 25th January, 1988. It was therefore, pleaded that this court has no jurisdiction to try and entertain the present claim petition which is liable to be rejected.

On the rival contentions of the parties the following points in issues were laid down for decision :—

(I) Whether the impugned termination of services of the workman is invalid? OPW

- (2) Whether the claim set in motion barred? — OPM.
- (3) Whether the Court has jurisdiction to try the claim in view of preliminary objection Nos. 2 & 3 of the W.S.? — OPM.
- (4) Relief.

The workman appeared in WW-1 and stated that he participated in two dates of enquiry proceeding and there for on 16th September, 1986 the Enquiry Officer fixed the next date of hearing at village Pirawala but he objected to the same. Thereafter, he received no intimation. During cross-examination he admitted document Ex. M-1 to Ex. M-14. In rebuttal the management produced MW-1 Naresh Kumar who also proved these documents and further proved Ex. MW-15 vide which the appeal of the workman was dismissed. MW-2 Pritam Singh proved that he reported to him the workman on 31st August, 1985 vide Ex. M-3.

I have heard the representatives of the parties. My finding are as under:

#### Issue No. 1:

As noticed earlier the workman admitted his appointment under Ex. M-2 which he was appointed as Secretary with the management on 9th September, 1976. He also admitted his suspension order on 31st October, 1985, vide Ex. M-2. He also admits that he was served with charge-sheet Ex. M-3 and he replied to the charge-sheet vide Ex. M-4. He further admitted that vide Ex. M-5 Shri Ved Parkash, Senior Accountant was appointed as Enquiry Officer. He also admitted that vide Ex. M-6 Lal Singh Inspector appointed as presenting officer. He also admits that he participated in enquiry proceedings Ex. M-7. The perusal of Ex. M-7 shows that the charge of the embezzlement of Rs. 10000 were proved against the workman. The workman stated that he did not receive Ex. M-8 notice of the enquiry proceeding for 2nd December, 1986. He however admits that he was posted with the management and was under suspension. He also stated reasons for why he did not receive Ex. M-8. He admits that he had received Ex. M-9 copy of the enquiry report and further admitted receipt of show-cause notice Ex. M-10. He states that he had given reply to the show-cause Ex. M-11. He also admits that opportunity of personal hearing was granted to him vide Ex. M-12 and his receipt to this effect is Ex. M-13. He also admits that vide Ex. M-14 he was again called for personal hearing. MW-1 Naresh Kumar has Ex. M-13 proved vide his reply to the show-cause notice was found unsatisfactory and the services of the workman were ordered to be terminated. This witness has also proved that the workman preferred a departmental appeal against the dismissal which was dismissed vide Ex. M-15. MW-2 Shri Pritam Singh has proved his report Ex. M-15. MW-3 dated 31st August, 1985.

Shri M. M. S. Jany, learned representative of the workman has contended that the enquiry officer having not been produced. There is no material on the file to justify the guilt of the workman. Be that as it may the remaining part holding of enquiry and participation thereof as admitted by the workman himself. Under circumstances it was not incumbent upon the management to produce the Enquiry Officer. All legal formalities have been completed and legal procedure followed. The documents Ex. M-1 to Ex. M-15 are copies of the record and have been duly proved. Under the Evidence Act it is presumed that all official acts are duly performed. I, therefore, hold that the termination of the workman took place in pursuance of a perfectly legal and valid domestic departmental enquiry and no fault can be found with the same. The finding on this issue shall, therefore, stand returned against the workman and in favour of the management.

#### Issue No. 2:

The termination of the workman took place on 19th August, 1987. The demand notice was served on 4th February, 1988. The claim statement is therefore, not barred by time and the finding on this issue is returned in favour of the management and in favour of the workman.

#### Issue No. 3:

Although the workman enjoyed the remedy provided under the Haryana Co-operative Societies Act yet the jurisdiction of the court is not barred. This Court is fully competent to try and determine the present claim of the workman. The issue is decided against the management.

#### Relief.

In the end, it is held that the workman is not entitled to any relief.

The reference is decided accordingly.

S. R. BANSAL,

Additional District and Sessions Judge,  
Presiding Officer, Labour Court,  
Ambala.

The 27th October, 1994

Enforcement No. 1738, dated the 31st October, 1994.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

S. R. BANSAL.

Additional District and Sessions Judge,  
Presiding Officer, Labour Court,  
Ambala.

No. 14/13/87-6 Lab./894. In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Ambala in respect of the dispute between the workman and the management of M/s Deputy Director, National Sericulture Project, Punchkula vs. Nirmal Kumar.

IN THE COURT OF SHRI S. R. BANSAL (ADDL. DISTT & SESSIONS JUDGE) PRESIDING  
OFFICER, LABOUR COURT, AMBALA.

Ref. No. 83 of 1994

WORKMAN SHRI NIRMAL KUMAR, SON OF SHRI JAGRA RAM VILLAGE MANSOORPUR  
POST OFFICE DURANA DISTT. AMBALA

and

THE MANAGEMENT DEPUTY DIRECTOR, NATIONAL SERICULTURE PROJECT,  
CENTRAL SILK BOARD (NCSB), PUNCHKULA (AMBALA)

Present :

None for the workman.

Management Representative Shri Gurdev Singh Munjra.

#### AWARD

In exercise of the power conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (for short called as the 'Act'), the Governor of Haryana referred the following dispute between the workman Shri Nirmal Kumar and the management Deputy Director, National Sericulture Project, Central Silk Board (NCSB), Punchkula (Ambala) to this court for adjudication,—vide Haryana Government notification bearing No. 83/8-322, dated 16th May, 1994.

Whether the termination of the services of Shri Nirmal Kumar is valid and justified? If not so, to what relief is he entitled?

The case of the workman is set out by him in the demand notice dated 24th December, 1993 served under section 2-A of the Act is that he joined the service of the management at Pinjore on 15th June, 1993 and was transferred to Technical Assistance Centre Barwala on 6th June, 1993. It is alleged that his services were terminated on 6th Aug 1993. According to him the work on which he was employed is still continued but his service were terminated retaining his juniors in service. He pleaded that he rendered more than 240 days of service continuously and his termination is illegal. He demanded his reinstatement with continuity of service and back wages.

The Labour Officer-cum-reconciliation Officer took out conciliation proceedings. The same having failed, the present reference was made to this court.

On receipt of the reference notices were issued to the workman as well as to the management. The workman as well as the management appeared in the court and the case is adjourned for filing of claim statement. However, the workman absented and,—*id.* order dated 19th September, 1994 *ex parte* proceeding against the workman has been taken. The management has also closed its evidence. Since there is no evidence on the file to substantiate the allegations against the workman is contained in the demand notice this reference is bound to be answered against him. I order accordingly.

Dated the 24th October 1994.

S. R. BANSAL.

Additional District & Sessions Judge,  
Presiding Officer, Labour Court, Ambala.

Endst. No. 1713, dated 25th October, 1994

Forwarded (four copies) to the Financial Commissioner and Secretary to Government of Haryana, Labour and Employment Depts, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

S. R. BANSAL,

Additional District and Sessions Judge,  
Presiding Officer, Labour Court, Ambala.

No. 14/13/87-6Lab./895.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer Industrial Tribunal-cum-Labour Court, Ambala in respect of the dispute between the workman and the management of M/s Principal Satluj Public School Sector 2, Punchkula *Versus* Surinder Singh

IN THE COURT OF SHRI S. R. BANSAL (ADDL. DISTT. & SESSIONS JUDGE) PRESIDING  
OFFICER, LABOUR COURT, AMBALA.

Ref. No. 195 of 1992

WORKMAN SHRI SURINDER SINGH, SON OF SHRI RATTAN SINGH, HOUSE NO. 3938 SECTOR  
22 CHANDIGARH

and

(1) THE MANAGEMENT PRINCIPAL SATLUJ PUBLIC SCHOOL SECTOR 2, PUNCHKULA.

*Present* :—

Workman in person.

Management Representative Shri T. N. Datta.

#### AWARD

In exercise of the powers conferred by clause (c) of sub-section 1 of section 10 of the Industrial Disputes Act, 1947 (for short called as the 'Act'), the Governor of Haryana referred the following dispute between the workman Shri Surinder Singh and the Management Principal Satluj Public School Sector 2 Punchkula to this court,—vide Haryana Government notification bearing No. 45336-341, dated 24th September, 1992:—

Whether the termination of the services of Shri Surinder Singh is valid and justified? If so, to what relief is he entitled?

After the receipt of the reference notices were issued to the workman as well as the management. The workman appeared and submitted his claim statement. The management filed written statement to the claim statement. The workman submitted reapplication. On the pleadings of the parties the following issues were framed :—

1. Whether the termination of the services of Shri Surinder Singh is valid and justified? If not so, what relief is he entitled? OPP
2. Whether the petitioner does not come under the definition of workman? If so, to what effect? OPM
3. Whether petitioner himself abandoned his job? OPM

Parties led evidence by way of affidavits.

The case was at the stage of arguments. The parties to the dispute desired for settlement. The case accordingly fixed for the purpose. On the adjournment hearing the parties have settled the dispute and filed settlement deed Ex. C-I the terms of which have affirmed by the parties in their statements made in the court. The workman in his statement made has stated that he has accepted a sum of Rs. 20,000/- by way of cheque in full and final settlement of his claim and has given up his right of reinstatement with continuity of services and has vacated the school premises. Similar is the statement made by Shri Pritam Singh Serai, Principal of the school.

In view of the statements of the parties and the terms of settlement deed Ex. C-I, the reference shall stand decided against the workman. The parties shall be bound by the statements made and by the terms of settlement deed Ex. C-I which shall form part of this award.

Dated: 24th October, 1994.

S. R. BANSAL,

Additional District & Sessions Judge,  
Presiding Officer, Labour Court, Ambala.

Endst. No. 1713, dated the 25th October, 1994.

Forwarded (four copies) to the Financial Commissioner and Secretary to Govt. of Haryana, Labour and Employment Deptts. Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

S. R. BANSAL,

Addl. Distt. and Sessions Judge,  
Presiding Officer, Labour Court, Ambala

The 22nd November, 1994

No. 14/13/87-6Lab./918.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon in respect of the dispute between the workman and the management of M/s HAU, Bawal *versus* Harpal Singh Chauhan.

IN THE COURT OF MRS. ANITA CHAUDHARY, PRESIDING OFFICER, INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, GURGAON

Reference No. 342 of 1989

*between*

HARPAL SINGH CHAUHAN, C/O SHRI SHARDHA NAND, GENERAL SECRETARY,  
AITUC OFFICE, 214/4 MARLA, GURGAON

*and*

THE MANAGEMENT OF M/S. HARYANA AGRICULTURE UNIVERSITY,  
BAWAL, DISTRICT MOHINDERGARH.

**Present:**

Shri Sherdha Nand, AR for the workman.

Shri M. P. Gupta AR for the management

**AWARD**

1. In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, (in short "the Act") the Governor of Haryana referred the following dispute *between* the parties, mentioned above, to this Court, for adjudication,—*vide* Haryana Govt. Labour Deptt. Endorsement No. 38515—20, dated 6th September, 1989.

Whether the termination of services of Shri Harpal Singh Chauhan is legal and justified? If not, to what relief is he entitled?

2. The facts contained in the claim statement are that the petitioner was appointed as a Helper by the management on 1st August, 1988 and his services were illegally terminated on 23rd April, 1989. The petitioner was drawing a salary of Rs. 600 p.m, and he has sought his reinstatement with full back wages.

3. The management filed its reply and took up the plea in the written statement that the workman was appointed on casual basis on 3rd August, 1988 and he started remaining absent w. o. f. 30th April, 1989 and he had only worked for 230 days and therefore, he had no right left as he had not worked for 240 days and he was not entitled to any compensation.

4. On the pleadings of the parties, following issue was framed on 13th July, 1990:—

Whether the termination of services of Shri Harpal Singh Chauhan is legal and justified? If not to what relief is he entitled?

5. I have heard the authorised representatives of the parties and have gone through the evidence on record. My findings on the issue is as under :—

6. The management has examined Shri Brijvir Singh, Farm Manager MW 1, who deposed that the petitioner was engaged as a casual labour on 3rd August, 1988. He brought the muster roll

7. On the other hand, workman has deposed that the witnessbox of W.W. who deposed that his services were terminated in 1979 and neither any notice nor compensation was paid and he had worked under various schemes. According to him, it had been terminated in September, 1983 to 1st September, 1989. He proved that W.W. which according to him had been prepared by the Assistant Farm Manager.

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## 2.2. LITERATURE SURVEY

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